



Apostille

(Convention de La Haye du 5 Octobre 1961)

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5. at New York City, New York
6. the 1st day of September 2015
7. by Special Deputy Secretary of State, State of New York
8. No. NYC-450135
9. Seal/Stamp
10. Signature

Sandra J. Tallman
Special Deputy Secretary of State



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1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

5 In re Application of
6 OPERACION Y SUPERVISION DE 14 MISC 00082
7 HOTELES, S.A. de C.V.
8 For an Order to Conduct Discovery for
9 Use in Foreign Proceedings

10 -----x

11 July 15, 2015

12 9:37 a.m.

13

14

15 DEPOSITION of THOMAS RUFFING, taken
16 by OPERACION Y SUPERVISION DE HOTELES S.A. de
17 C.V., pursuant to Subpoena by Consent, at the
18 offices of THE BLACKSTONE GROUP, 345 Park Avenue,
19 New York, New York, before Karen Perlman, RPR,
20 CRR, a Shorthand Reporter and Notary Public
21 within and for the State of New York.

22

23

24 GREENHOUSE REPORTING, INC.
25 875 Sixth Avenue - Suite 1111
New York, New York 10001
(212) 279-5108

1

2 A P P E A R A N C E S :

3

4

5 KELLNER HERLIHY GETTY & FRIEDMAN, LLP

6 Attorneys for the Applicant

7 470 Park Avenue South

8 New York, New York 10016

9 BY: NAZY MODIRI, ESQ.

10

11

12 SIDLEY AUSTIN, LLP

13 Attorneys for the Witness

14 787 Seventh Avenue

15 New York, New York 10019

16 BY: MARTIN B. JACKSON, ESQ.

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2 S T I P U L A T I O N S

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4 IT IS HEREBY STIPULATED AND AGREED
5 by and between the attorneys for the respective
6 parties hereto, that all objections, except as to
7 form, shall be reserved to the time of trial.

8

9 IT IS FURTHER STIPULATED AND AGREED
10 that the sealing and filing of the within
11 deposition are hereby waived.

12

13 IT IS FURTHER STIPULATED AND AGREED
14 that the within deposition may be subscribed and
15 sworn to by the witness being examined before a
16 Notary Public other than the Notary Public before
17 whom this deposition was begun.

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1 T. Ruffing
2 T H O M A S R U F F I N G, stating an address
3 of 83 Orchard Road, Briarcliff Manor, New
4 York 10510, having been first duly sworn
5 by the Notary Public, was examined and
6 testified under oath as follows:

8 EXAMINATION BY

9 MS. MODIRI;

10 Q. Good morning, Mr. Ruffing. I'm just
11 going to ask you a series of 15 questions.

12 A. Mm - hmm .

13 Q. Do you know who the parties are to
14 the procedure that is underlying the subpoena
15 which we issued you for in the Mexican
16 proceeding?

17 A. Yes. My understanding is that the
18 parties are: Opyssa, which is the hotel manager;
19 Servicios Etisa; and Bank of America Mexico; and
20 Bank of America N.A.

21 Q. And how do you know that?

22 A. I know that through the ex parte
23 application.

24 Q. What is the relationship of the
25 parties to this procedure?

T. Ruffing

2 A. My understanding is these were all
3 parties to the documents underlying the
4 \$103 million New York hotel portfolio financing.

5 Q. And when did that relationship
6 begin?

7 A. The financing closed in
8 October 2006, so that is my understanding that
9 the relationship began.

10 Q. And how do you know of the
11 relationship between the parties?

12 A. Through my review of the legal
13 documents, and my role as special servicer of the
14 loan.

15 Q. And how is the relationship between
16 the parties documented?

17 A. There are voluminous legal documents
18 from the -- from the 2006 loan closing. And so
19 it is from my -- you asked how it is documented?

20 Q. Right. Okay.

21 Do you know the specific documents?

22 A. I am familiar with many of the
23 documents.

24 Q. What is the reason that Operacion Y
25 Supervision De Hoteles S.A. de C.V. has

1 T. Ruffing
2 possession of the property located at Costera
3 Guitarrón number 110 fraccionamiento Plaa
4 Guitarrón y Coral, ZIP code 39880 Acapulco de
5 Juárez, Guerrero?

6 A. My understanding is Opyssa is the
7 property manager. I don't know if they have
8 possession. I don't know the definition of the
9 word "possession." But I do know that they are
10 contractually the manager of the properties in
11 the portfolio.

12 Q. And what is the reason that
13 Servicios Administrativos Etisa S.A. de C.V.
14 entered into the cash management agreement dated
15 October 3rd, 2006, with Bank of America National
16 Association, which is formerly know as La Salle
17 Bank National Association?

18 A. It was -- it was a requirement of
19 the \$103 million New York loan closing to enter
20 into that agreement.

21 Q. And what is the reason that
22 Servicios Administrativos Etisa S.A. de C.V.
23 entered into the Assignment of Administration in
24 Guarantee Agreement dated October 3rd, 2006, with
25 Bank of America National Association, which is

1 T. Ruffing
2 formerly know as La Salle Bank National
3 Association?

4 A. It was a requirement of the
5 \$103 million New York loan closing to enter into
6 that agreement.

7 Q. Do you personally know Agustin
8 Garcia Bolaños Cacho?

9 A. I do not.

10 Q. How do you know Agustín García
11 Bolaños Cacho?

12 A. I am aware that he was a signatory
13 to many of the original loan documents in
14 connection with the -- with the New York loan
15 closing.

16 Q. Do you know where Agustin Garcia
17 Bolaños Cacho was on the day of October 3rd,
18 2006?

19 A. I do not know exactly where Senior
20 Bolaños was on that day, the loan closing day,
21 here in New York.

22 Q. Do you know if Agustin Garcia
23 Bolaños Cacho was out of the country of Mexico
24 during the month of October 2006?

25 A. I -- I only know he supplied

1 T. Ruffing
2 original documentation to the loan closing in
3 October. I do not know exactly his whereabouts
4 during that month.

5 Q. Can you please state how you know
6 and are sure of everything and aware of
7 everything that you declared here today?

8 A. Through my review of the loan
9 documents and having been involved in the
10 special -- special servicing of the loan since
11 2010.

12 Q. And I'm going to ask you question 15
13 which says: State the reason for why you just
14 said this?

15 A. Based upon my knowledge.

16 Q. Okay. Thank you, Mr. Ruffing.

17 A. Okay.

18 Q. I believe that concludes the
19 deposition.

20 (Time noted: 9:44 a.m.)

1

I, the witness herein, having read
the foregoing testimony, do hereby certify
it to be a true and correct transcript,
subject to the corrections, if any, shown
on the attached page.

7

8

9

10 THOMAS RUFFING

11

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14

15

16 Subscribed and sworn to
17 before me this ____ day
18 of _____ 2015.

19

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1

2 C E R T I F I C A T E

3 STATE OF NEW YORK)

4 :
5 COUNTY OF NEW YORK)

6

7 I, KAREN PERLMAN, RPR, CRR, a Shorthand
8 Reporter and Notary Public within and for the
9 State of New York, do hereby certify:

10 That THOMAS RUFFING, the witness whose
11 deposition is hereinbefore set forth, was duly
12 sworn by me and that such deposition is a true
13 record of the testimony given by such witness.

14 I further certify that I am not related to
15 any of the parties to this action by blood or
16 marriage, and that I am in no way interested in
17 the outcome of this matter.

18 IN WITNESS WHEREOF, I have hereunto set my
19 hand this 27th day of July 2015.

20

21

22


23

24 KAREN PERLMAN, RPR, CRR

25

Form 1

State of New York } ss:
County of New York }

No. 138970

I, Milton Adair Tingling, Clerk of the County of New York, and Clerk of the Supreme Court in and for said county, the same being a court of record having a seal, DO HEREBY CERTIFY THAT

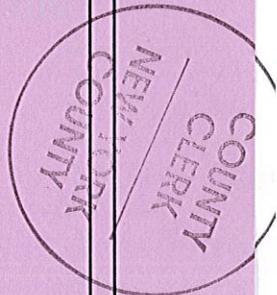
ELEANOR GREENHOUSE

whose name is subscribed to the annexed original instrument has been commissioned and qualified as a NOTARY PUBLIC.....
..... and has filed his/her original signature in this office and that he/she was at the time of taking such proof or acknowledgment or oath duly authorized by the laws of the State of New York to take the same: that he/she is well acquainted with the handwriting of such public officer or has compared the signature on the certificate of proof or acknowledgment or oath with the original signature filed in his/her office by such public officer and he/she believes that the signature on the original instrument is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and my official seal this
31st day of August, 2015



County Clerk, New York County



ACKNOWLEDGEMENT

STATE OF NEW YORK)
)
) ss.:
COUNTY OF NEW YORK)

On the 27th day of July in the year 2015 before
me, the undersigned, a Notary Public in and for said State,
personally appeared KAREN PERLMAN, personally known to me or
proved to me on the basis of satisfactory evidence to be the
individual whose name is subscribed to the within instrument and
acknowledged to me that she executed the same in her capacity,
and that by her signature on the instrument, the individual, or the
person upon behalf of which the individual acted, executed the
instrument.



ELEANOR GREENHOUSE

ELEANOR GREENHOUSE
Notary Public, State of New York
No. 01GR6079451
Qualified in New York County
Commission Expires 08/28/2018

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